

United States District Court
Eastern District of Michigan

United States of America

ORDER OF DETENTION PENDING TRIAL

v.

Ramzi Zakaria /

Case Number: 06-30051

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

“ (1) I find that:

- “ there is probable cause to believe that the defendant has committed an offense
- “ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
- “ under 18 U.S.C. § 924(c).

“ (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

T I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

“ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- T** (a) nature of the offense - Telephone threats to “come after” investigating ICE agents and similar threats personally directed toward arresting deputy U.S. Marshals.
- T** (b) weight of the evidence - Strong evidence in form of victim’s testimony.
- T** (c) history and characteristics of the defendant - In U.S. for 15 years on student visa - not attending school.
 - T** 1) physical and mental condition - good health but refuses to cooperate with government agents.
 - T** 2) employment, financial, family ties - Claims self-employment, but not well verified; does have family ties, but their information is limited.
 - T** 3) criminal history and record of appearance - Refused to cooperate with investigation, and threatened agents who were doing their jobs.
- T** (d) probation, parole or bond at time of the alleged offense - On student visa, but not in compliance with terms of admission.
- T** (e) danger to another person or community. - Indefinite threats of harm to agents who were performing official duties. Defendant appears agitated and aggressive, and raises concern about his stability.

Defendant is subject to an immigration hold and is likely to be deported. If admitted to bail by an immigration judge, I find it likely he would flee. Finally, Pretrial Services recommends detention as a flight risk. I agree. I do not find “clear and convincing evidence” of dangerousness, but I doubt that defendant would cooperate/comply with any conditions of bond.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

May 15, 2006

Date

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge